

CENWS-OD-RG

Effective Date: 8 April 1999
Expiration Date: 8 April 2004

MODIFICATION

DEPARTMENT OF THE ARMY
REGIONAL PERMIT
071-OYB-1-003265
LAKE SAMMAMISH

This Regional Permit is for the:

Performance of work in or affecting navigable waters upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403); the general public is hereby given authority by the Secretary of the Army to **install and maintain noncommercial portable lift stations for vessels** in Lake Sammamish, King County, Washington.

I. Special Conditions

1. For all the work described in this Regional Permit, separate State and local approvals and/or permits may be required. This Regional Permit only satisfied Federal law and does not satisfy State and local requirements including leasing of the submerged lands, zoning, building, hydraulic, shoreline management or other required permits. The work is authorized only after final approval has been obtained from the State and applicable local government.
2. This Regional Permit is applicable only if this activity is performed in accordance with the State laws and local government's Shoreline Management Master Program, building codes and zoning ordinances.

3. All other activities in navigable waters of Lake Sammamish not covered by this Regional Permit require authorization by separate Department of the Army permits.
4. This Regional Permit modification shall become effective upon signature of the District Engineer. The expiration date of this reissued Regional Permit shall be 5 years from the effective date of the Regional Permit, unless specifically extended by the Seattle District.
5. This Regional Permit may be revoked by issuance of a public notice at any time the District Engineer determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by this Regional Permit will be processed as individual permits.
6. The permittee, upon notice of revocation of this Regional Permit, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
7. The permittee hereby recognizes the possibility that the boat installation permitted herein may be subject to damage by wave action from passing vessels or flooding. The permittee shall not hold the United States liable for any such damage. The issuance of this Regional Permit does not relieve the permittee from taking all proper steps to ensure:
 - a. The integrity of the structure permitted herein.
 - b. The safety of boats moored thereto from damage by wave wash.
8. The permittee shall not hold the Federal, State, county, or city government responsible for the maintenance of a lake bottom elevation or beach line location.
9. The permittee must have the legal right to use and occupy the affecting submerged land.
10. Work in navigable water will be done in such a manner as to minimize turbidity that tends to degrade water quality and damage aquatic life.

11. Ordinary high water for Lake Sammamish hereinafter means 27.0 feet above the National Geodetic Vertical datum. (The 100-year flood elevation is 32.5 feet above the National Geodetic Vertical Datum.)

12. Lift Stations for Vessels:

- a. Lift stations shall not be installed more than 60 feet waterward of the ordinary high waterline or in a depth greater than 8 feet below ordinary high water.
- b. This permit authorizes only noncommercial portable lift stations for vessels.

13. To be authorized under this Regional Permit, the permittee must submit to the Seattle District Engineer within 10 days after installation of the lift station in Lake Sammamish, the following information:

- a. Regional Permit number
- b. Name of property owner or lessee; mailing address; telephone
- c. Description of the work, including drawings
- d. Address where structure exists, including section, township, range, latitude, longitude, street address, city, county, and State
- e. Installation date
- f. Name and address of contractor, if applicable
- g. Signature and date
- h. Statement of Compliance with all conditions of this Regional Permit

The information shall be submitted in the format identified in Appendix B.

NOTE: A sketch of typical installations is furnished for general information in Appendix A.

II. General Conditions:

- 1. That the activity identified and authorized herein shall be consistent with the terms and conditions of this Regional Permit; any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this Regional Permit and may result in the

modification, suspension, or revocation of this Regional Permit, in whole or in part.

2. That the permittee agrees to make every reasonable effort to complete the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.
3. That the permittee agrees to complete the work authorized herein in a manner so as to minimize any degradation of water quality.
4. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Regional Permit is in accordance with the terms and conditions prescribed herein.
5. That the permittee shall maintain the structure authorized herein in good condition.
6. That this Regional Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property, invasion of rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.
7. That this Regional Permit does not authorize the interference with any existing or proposed Federal project, and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
8. That this Regional Permit may be either modified, suspended, or revoked, in whole or in part, if the Secretary of the Army or his authorized representative determines that activities identified and authorized within the terms or conditions of this Regional Permit are not in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after issuance of public notice of such action. Within this 30-day period, permittees may request a public hearing to be held to present oral and written evidence concerning the proposed modification, suspension, or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend, or revoke this Regional Permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

9. That any modification, suspension, or revocation of this Regional Permit shall not be the basis for any claim for damages against the United States.
10. That any attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this Regional Permit.
11. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
12. That this Regional Permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.
13. That if and when the permittee desires to abandon the activity authorized herein, he or she must restore the area to a condition satisfactory to the District Engineer.
14. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.
15. The word "permittee" shall include such permittee's successors in interest.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Date

James M. Rigsby
Colonel, Corps of Engineers
District Engineer

APPENDIX B

Submit Completed Form To:

U.S. Army Corps of Engineers
Regulatory Branch
Enforcement Section
P.O. Box 3755
Seattle, WA 98124-3755

STATEMENT OF COMPLIANCE

REGIONAL PERMIT
071-OYB-1-003265
LAKE SAMMAMISH

1. Name of property owner or lessee; mailing address; telephone number

2 Description of the work and a drawing (on 8 ½ by 11 inch paper)

3. Street Address _____
Section _____ Township _____ Range _____
Latitude _____ Longitude _____
City/County _____, Washington State

4. Name of bay or cove, if applicable: _____

5. Date structure was installed: _____

6. Name and address of contractor, if applicable:

I certify that I have complied with all of the conditions of this Regional Permit.

Signature of Permittee

Date